

CHAITMAN LLP

Helen Davis Chaitman

Gregory M. Dexter

465 Park Avenue

New York, New York 10022

Phone & Fax: 888-759-1114

hchaitman@chaitmanllp.com

gdexter@chaitmanllp.com

*Attorneys for Defendants on Exhibit A annexed to
Notice of Motion*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

DEFENDANTS LISTED ON EXHIBIT A
ANNEXED HERETO

Defendants.

SIPA LIQUIDATION

Adv. Pro. No. 08-01789 (SMB)

(Substantively Consolidated)

Adv. Pro. Nos.
10-04352 (SMB)
10-04377 (SMB)
10-04644 (SMB)
10-04658 (SMB)

Appeal No. _____

**DECLARATION OF HELEN DAVIS CHAITMAN
IN SUPPORT OF MOTION FOR LEAVE TO APPEAL**

I, Helen Davis Chaitman, hereby declare, under penalty of perjury pursuant to 28 U.S.C. §1746, as follows:

1. I am a partner with Chaitman LLP, counsel to defendants RAR Entrepreneurial Fund, Ltd., Russell Oasis, Carol Nelson, individually and as joint tenant; and Stanley Nelson, individually and as joint tenant, and Russell L. Dusek (“Movants”). I am a member of the bars of New York and New Jersey, and of this Court.

2. I submit this declaration in support of Movants’ motion for an Order pursuant to 28 U.S.C. § 158(a)(3) and the Federal Rules of Bankruptcy Procedure 8001 and 8003: (1) granting leave for leave to appeal the March 17, 2016 order of the United States Bankruptcy Court for the Southern District of New York (Hon. Stuart M. Bernstein) granting a protective order preventing Movants from taking discovery relating to the Irving H. Picard’s compensation structure; and (2) granting such other further relief in the Movants’ favor as the Court deems just and proper.

3. Attached hereto as **Exhibit A** is a true and accurate copy of the June 2, 2015 Memorandum Decision Regarding Omnibus Motions to Dismiss entered by the Honorable Stuart M. Bernstein.

4. Attached hereto as **Exhibit B** is a true and accurate copy of the February 11, 2016 Memorandum Decision and Order entered by the Honorable George B. Daniels.

5. Attached as **Exhibit C** is a true and accurate copy of the letter from Trustee’s counsel to the Honorable Stuart M. Bernstein dated February 29, 2016.

6. Attached as **Exhibit D** is a true and accurate copy of the March 17, 2016 Order entered by the Honorable Stuart M. Bernstein.

7. Attached hereto as **Exhibit E** is a true and accurate copy of the transcript of the proceedings in front of Stuart M. Bernstein on March 17, 2016.

8. Attached hereto as **Exhibit F** is a true and accurate copy of the Trustee's Responses and Objections to the First of Requests for Production of Documents submitted by the Trustee in *Picard v. Merkin*, Adv. No. Pro. 09-1182.

9. Attached hereto as **Exhibit G** is a true and accurate copy of the United States Department of Justice, Southern District of New York Press Release, "Manhattan U.S. Attorney Announces Agreement to Recover \$7.2 Billion for Victims of Bernard L. Madoff's Ponzi Scheme from Estate of Jeffry M. Picower.

10. Attached hereto as **Exhibit H** is a true and correct copy of an excerpt of the transcript from the August 6, 2009 hearing held before the Honorable Burton R. Lifland in an action styled *In re Bernard L. Madoff*, No. 08-01789 (Bankr. S.D.N.Y.).

11. Attached hereto as **Exhibit I** is a true and correct copy of an excerpt of the transcript from the June 1, 2011 hearing held before the Honorable Burton R. Lifland in an action styled *In re Bernard L. Madoff*, No. 08-01789 (Bankr. S.D.N.Y.).

12. Attached hereto as **Exhibit J** is a true and correct copy of the unofficial transcript of the March 10, 2011 meeting of the House Committee on Oversight and Government Reform.

13. Attached hereto as **Exhibit K** is a true and correct copy of the June 3, 2011 letter from United States Representatives Scott Garrett, Peter King, Ileana Ross-Lehtinen and Carolyn McCarthy to Gene L. Dodaro, Comptroller General of the United States.

14. Attached hereto as **Exhibit L** is a true and correct copy of the September 13, 2013 letter from the Securities Investor Protection Corporation to United States Representatives Scott Garrett and Carolyn Maloney in response to their letter of August 30, 2013.

I declare under penalty of perjury that the foregoing is true and correct.

March 31, 2016

/s/ Helen Davis Chaitman